

United States District Court

FILED

NORTHERN

DISTRICT OF

CALIFORNIA

JUN 13 2007

UNITED STATES OF AMERICA
V.

Roldan Rosales ENRIQUE

Venue: SAN FRANCISCO

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**CRIMINAL COMPLAINT****BZ**

(Name and Address of Defendant)

ORIGINAL

CASE NUMBER: 3:07-70338

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about June 12, 2007, in San Francisco County, in the Northern District of California defendant(s) did, willfully and knowingly used, or attempted to use an altered nonimmigrant visa (for entry to the United States), in violation of Title 18 United States Code, Section 1546.

I further state that I am a Customs and Border Protection Enforcement Officer and that this complaint is based on the following facts:

See attached Affidavit in Support of Criminal Complaint

Process Requested: No bail warrant.

Penalties:

Title 18 USC Section 1546:

10 years of imprisonment; \$250,000 fine; 3 years supervised release; deportation; and \$100 special assessment fee

APPROVED AS TO FORM: Dense N. Boston

Continued on the attached sheet and made a part hereof: Yes No

Warrant of Arrest Requested: Yes No

Bail Amount: No Bail

Sworn to before me and subscribed in my presence,

June 13, 2007

Date

Honorable Bernard Zimmerman
United States Magistrate Judge

Name & Title of Judicial Officer

at San Francisco, California

City and State

Signature of Judicial Officer

UNITED STATES DISTRICT COURT)
NORTHERN DISTRICT OF CALIFORNIA) ss. AFFIDAVIT
)

AFFIDAVIT IN SUPPORT OF A CRIMINAL
COMPLAINT CHARGING
ENRIQUE, Roldan Rosales
WITH VIOLATING 18 U.S.C. 1546

I, Melissa Saurwein, being duly sworn, do depose and state:

Affiant Background

1. I am an Enforcement Officer with the United States Department of Homeland Security, Customs and Border Protection (CBP). I have been employed with CBP since November 2003. I have attended numerous training programs offered by Federal Law Enforcement Training Center in Glenco, Georgia relating the Immigration and Nationality Act, including training relating to fraud and misuse of visas. My duties include the investigation and prosecution of violations of the Immigration and Nationality Act and related criminal immigration statutes that occur at the ports of entry in the San Francisco District (including the San Francisco International Airport, where I am stationed). I am familiar with the provisions of criminal statutes pertaining to immigration violations, including 18 U.S.C. Section 1546.

Purpose

2. I believe this affidavit establishes probable cause to arrest warrant for and issue a complaint charging ROLDAN ROSALES ENRIQUE (the "SUBJECT") for violating 18 U.S.C. Section 1546, Fraud and Misuse of Visas and Other Documents, when he submitted a counterfeit visa for admission into the United States on June 11, 2007. This affidavit is based in part on personal knowledge, interviews, and reviews of

official documents and records, and does not and is not intended to contain every fact, piece of information or evidence concerning this alleged violation.

3. Title 18 U.S.C. § 1546(a), Fraud and Misuse of Visas, Permits, and Other Documents, states, in relevant part: "Whoever knowingly utters, uses, attempts to use, possesses, obtains, accepts, or receives any visa, permit, border crossing Card, alien registration receipt card, or other document prescribed by statute or Regulation for entry into or as evidence of authorized stay or employment in the United States, knowing it to be forged, counterfeited, altered, or falsely made, or to have been procured by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained. . . shall be [punished]."

Case Facts and Evidence

4. On June 11, 2007, at approximately 22:15, ROLDAN ROSALES ENRIQUE, the SUBJECT arrived on board Mexicana Airlines 972 from Mexico City, Mexico. The SUBJECT presented one unexpired Mexican passport number 07340018132; one unexpired visa, foil number 77510230; and an Arrival and Departure Form I-94 number 33744169315, all in the name of ROLDAN ROSALES ENRIQUE. The SUBJECT presented these documents to the primary Officer Wilfredo Soliman for admission into the United States.

5. During the primary inspection, upon review of the documents, Officer Soliman believed there were inconsistencies in the passport and visa. Officer Soliman referred the SUBJECT for further examination to passport control secondary to verify the authenticity of the visa.

6. In secondary inspection, the visa was examined in the Customs and Border Protection forensic lab located at the San Francisco International Airport. Based on this inspection it was determined that the visa was counterfeit.

7. On June 12, 2007, the subject was administratively interviewed by CBP agents, assisted by Ms. Alma, a Spanish language interpreter employed by Certified Language Services. The SUBJECT made the following statement before CBP Officer Missy Tupua. The SUBJECT admitted that his true name is ROLDAN ROSALES ENRIQUE. The SUBJECT stated he was born in Mexico and is a citizen of Mexico. He stated his date of birth is March 27, 1972. The SUBJECT stated he applied for the visa via the internet through the United States embassy in Mexico City and was offered assistance by a gentleman outside the embassy office to expedite the process. The visa foil number was queried in the State Department database and was found to have been issued to Jonnes de MOURA in Sao Paulo Brazil. The SUBJECT is not the rightful owner of this visa.

8. On June 12, 2007, the subject was provided with his Miranda Warnings in the Spanish language. The subject acknowledged and waived his Miranda Rights and made the following statement before CBP Enforcement Officer (CBPEO) Melissa E. Saurwein, and CBPEO Officer Ed Reveles.

a. His true and correct name is ROLDAN ROSALES ENRIQUE and he was born in Mexico and is a citizen of Mexico. He was born on March 27, 1972.

b. He stated that he was denied a United States visa by the United States Embassy in Mexico City on two occasions once in May 2000 and then again in January 2003.

c. On April 21, 2007, he applied again for visa three days after receiving his Mexican passport on April 18 2007. He stated he went to a friend's house; downloaded an application for a visa on the internet; and requested an appointment, which was scheduled for approximately eight days later.

d. He went to the Embassy for his appointment and was confronted by a gentleman, who offered him assistance to obtain a visa. He had seen this gentleman exit the US Embassy building wearing an official looking US Embassy badge. The gentleman stated he needed one photo and his passport and to return in fifteen days with 5000 Mexican pesos. The SUBJECT stated he returned in fifteen days to the same location he had encountered the gentleman outside the Embassy where he witnessed the gentleman exit the US Embassy building. The gentleman gave the SUBJECT a package which contained his original passport with the counterfeit visa and a counterfeit Department of Homeland Security US Customs and Border Protection Admission Stamp dated May 25, 2007, from the El Paso Port of Entry. The gentleman told ENRIQUE if he was asked about the admission stamp to tell Immigration he returned to Mexico through San Diego. The SUBJECT did not believe the visa was counterfeit until he arrived at San Francisco airport last night because the gentleman that he encountered outside the Embassy told him that he worked for the State Department.

9. Later in the day on June 12, 2007, the subject made another statement, under oath, to me with the assistance of certified translator, Ms. Alma. The SUBJECT made the following statement:

a. The SUBJECT admitted that he actually obtained the visa at the Plaza Santo Domingo in Mexico City, Mexico, where he knows that fraudulent documents are sold. He went to the market with a friend who had obtained his visa from a man named

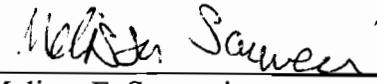
Jose. Jose asked the SUBJECT to bring his passport, one photo, and 5000 Mexican pesos, in exchange for which Jose would give him a United States visa.

b. The visa in his passport that he presented upon entry into the United States was not issued by the United States Embassy and is not a valid document to enter the United States. This visa does not belong to him and he knows that it was not legal to use the visa for entry into the United States.

Conclusion

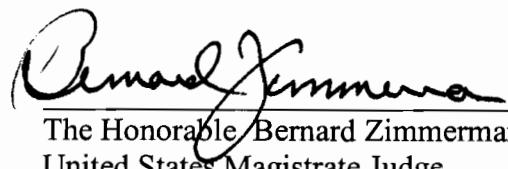
10. I respectfully submit that the above presented facts establish probable cause to believe that ROLDAN ROSALES ENRIQUE did knowingly and willfully use and attempt to use a false, forged, counterfeited, mutilated, and altered visa, in violation of Title 18, United States Code, Section 1546, Fraud and Misuse of Visas and Other Documents, while in the Northern District of California.

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct.



Melissa E. Saurwein
Enforcement Officer
U.S. Customs and Border Protection
U.S. Department of Homeland Security

SUBSCRIBED AND SWORN BEFORE ME
on June 13, 2007



The Honorable Bernard Zimmerman
United States Magistrate Judge
Northern District of California